

Alternatively, individuals may elect to receive the permit public notices via email by subscribing to the LDEQ permits public notice List Server at http://www.state.la.us/ldbc/listservpage/ldcq_pn_listserv.htm.

All correspondence should specify AI Number 5414, Permit Number LAD 981 057 706, and Activity Number PER19990002.

Publication Date: Friday, February 9, 2007 – in The Daily Review (Morgan City), The St. Mary & Franklin Banner-Tribune (Franklin) & The Advocate (Baton Rouge).



DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

FEB 09 2007

CERTIFIED MAIL 7004 1160 0001 9949 5260
RETURN RECEIPT REQUESTED

Mr. Boyd A. Bryan
Attorney for Earthlock Technologies, L.L.C.
Jones, Walker
8555 United Plaza Blvd.
Baton Rouge, Louisiana 70809-7000

RE: Notification of Final Permit Action
Final Decision and Response to Significant Comments
Earthlock Technologies, L.L.C. (successor by merger to GTX, Inc.)
Termination of Final Hazardous Waste Operating Permit
LAD 981 057 706
Agency Interest (AI) No. 5414/PER19990002
St. Mary Parish

Dear Mr. Bryan:

Attached, please find a copy of the final permit decision to terminate the Final Hazardous Waste Operating Permit (Permit No. LAD 981 057 706 HW) for the solid and hazardous waste treatment and storage facility located at 9828 Highway 90 East, Morgan City, Louisiana.

The air permit (Permit No. 2660-00002-V0), and LPDES-water permit (Permit No. LA0105988 GTX, INC.) previously referred to in the draft termination documents each expired on February 19, 2004 and have therefore been severed from the final termination of the operating permit document.

The public comment response summary is also attached and addresses significant public comments regarding this permit action. The final termination of the operating permit and related documents are available for review at the LDEQ Public Records Center, 602 North Fifth Street, Room 127, Baton Rouge, Louisiana. Viewing hours are from 8:00 a.m. to 4:30 p.m. Monday – Friday (except holidays).

If you would like to obtain copies of these documents, you may request them from the LDEQ Public Records Center at the location above, or call (225) 219-3168. Your request will be processed pursuant to LDEQ procedures for public record requests, LAC 33:I.2301, *et seq.*, and a copy fee will be charged.

ENVIRONMENTAL SERVICES

: PO BOX 4313, BATON ROUGE, LA 70821-4313

P:225-219-3181 F:225-219-3309

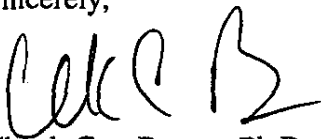
WWW.DEQ.LOUISIANA.GOV

Mr. Boyd A. Bryan
Earthlock Technologies, L.L.C.
LAD 981 057 706
Agency Interest (AI) No. 5414/PER19990002
Termination of Operating Permit
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In accordance with Louisiana Revised Statutes (La. R.S.) 30:2024, the Permittee may file with the secretary a request for hearing no later than thirty (30) days after the notice of the action is served. Pursuant to La R.S. 30:2050.21, an aggrieved person may appeal devolutively a final permit action only to the Nineteenth Judicial District Court for the parish of East Baton Rouge. A petition for review must be filed in the district court within thirty (30) days after notice of the action has been given.

If you have any questions, please contact Ms. Karla Vidrine, Waste Permits Division at (225) 219-3061 or Mr. Mike Hahn, Office of Environmental Services at (225) 219-3099.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck Carr Brown'.

Chuck Carr Brown, Ph.D.
Assistant Secretary

Attachments



DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

FINAL TERMINATION OF OPERATING PERMIT

Permittee Name: Earthlock Technologies, L.L.C. (formerly known as GTX, Inc.)

Facility I.D. Number: Agency Interest No. 5414
Hazardous Waste Permit (Permit No. LAD 981 057 706 HW)

Type of Facility: Solid and hazardous waste treatment and storage facility

Unit(s) Affected by Termination: Seventy-five (75) tanks, eleven (11) container storage areas, the No. 1 Incinerator and all associated equipment

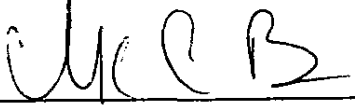
Location: 9828 U.S. Highway 90 East
Morgan City, Louisiana, 70380

Latitude 30 degrees, 39 minutes, 45 seconds
Longitude 91 degrees, 7 minutes, 42 seconds

Facility Representative: Mr. Boyd A. Bryan
Attorney for Earthlock Technologies, L.L.C.

After due consideration of the facts applicable to the facility as they appear in the administrative record, and the requirements expressed in the Louisiana Environmental Quality Act and applicable regulations, I hereby terminate the final Hazardous Waste Permit (Permit No. LAD 981 057 706 HW).

This action constitutes a Permit Decision for the above-named facilities and will become effective on March 15, 2007.



Chuck Carr Brown, Ph.D., Assistant Secretary
Louisiana Department of Environmental Quality

2/2/07

Date

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RESPONSIVENESS SUMMARY

**EARTHLOCK TECHNOLOGIES, L.L.C.
(FORMERLY KNOWN AS GTX, INC.)
(THE FORMER MARINE SHALE PROCESSORS FACILITY)**

**AMELIA, ST. MARY PARISH, LOUISIANA
AIR PERMIT (PERMIT NO. 2660-00002-V0)
LPDES-WATER PERMIT (PERMIT NO. LA0105988)
HAZARDOUS WASTE PERMIT (PERMIT NO. LAD 981 057 706 HW)
AGENCY INTEREST NUMBER 5414**

ITEM: 1

REFERENCE Taylor, Porter, Brooks & Phillips L.L.P, Comment No.1, letter dated January 27, 2004.

ISSUE: Termination of Permits.

COMMENT: "The termination of the above referenced permit should not be granted without enforcement of the permit conditions agreed by Earthlock upon issuance of the permit. While LDEQ states that termination of the permits would best serve the public interest, this statement ignores the fact that Earthlock has been and continues to be responsible for the implementation of specified permit conditions designed to minimize adverse environmental impacts from the facility. The request made by Earthlock for termination of the air, water, discharge and hazardous waste permits does not suspend any permit condition during the procession of the request, nor does it excuse past failures to meet existing permit and regulatory requirements. All of the agreed upon permit conditions must be enforced by LDEQ before the permits can be terminated"

LDEQ RESPONSE: LDEQ acknowledges but not totally concur with the comment. Taylor, Porter, Brooks & Phillips' letter dated January 27, 2004 states "Since being granted its permits in 1999, Earthlock has conducted a number of activities at the plant site; however has continuously failed to fulfill all of its mandated permit conditions." The January 27, 2004 correspondence then proceeds to delineate sixteen permit related activities that were conducted by Earthlock and nine permit conditions that were not complied with by Earthlock. The hazardous waste regulations (i.e. LAC 33:V. 309.A) and Earthlock's hazardous waste permit states, *"Any permit noncompliance constitutes a violation of the Act and any amendments and is grounds for enforcement action, permit termination, revocation and reissuance"*

or modification, or denial of a permit renewal application. Earthlock's failure to comply with the nine permit conditions mentioned in the Taylor, Porter, Brooks & Phillips' letter dated January 27, 2004, qualifies as a permit noncompliance that constitutes a violation of the Act and any amendments and is grounds for permit termination.

Additionally, LAC 33:V.323.A stipulates that *"Permits may be reviewed for potential modification, suspension, or termination either at the request of any interested person (including the permittee) or upon the administrative authority's initiative."* On May 21, 2002, Earthlock's "Operator Agreement" with Marine Shale Processors, Inc. (MSP) was terminated. The Department assessed the status of site activities at the Amelia facility to determine whether they could effectively comply with the permitting requirements set forth by the Department to protect human health and the environment. LDEQ found that Earthlock did not own the facility, had lost operational control of the facility, had no intention of acquiring or operating the facility, and had failed to provide security for the facility as required by the Hazardous Waste Permit. On September 18, 2002, LDEQ issued Earthlock a notice of intent to terminate the permits at the Amelia facility. Subsequently, in correspondence dated December 23, 2002, Earthlock irrevocably relinquished and surrendered the final permits to the Department for termination.

ACTION:

LDEQ will proceed with the termination of the permits.

RESPONSIVENESS SUMMARY

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AGENCY INTEREST NUMBER 5414**

ITEM: 2

REFERENCE General Comment from Public Hearing dated February 5, 2004.

ISSUE: Site Closure and Cleanup.

COMMENT: General concerns about the cleanup of the site.

LDEQ RESPONSE: Brief overview of the closure and cleanup of the site

Under the terms of the Stipulation of Settlement and Judgment between the DEQ, the United States, Marine Shale Processors, Inc., Recycling Park, Inc., and John Kent, Sr., and ordered by the U.S. District Court, approximately \$7 million will be transferred to the DEQ for use for the assessment and remediation of the former Marine Shale facility. DEQ does not anticipate that settlement funds will be sufficient to fully assess and remediate the site. DEQ has solicited bids on a contract for the first phase of this project, which will consist of removal and proper disposal of the contents of approximately 13 tanks that contain hazardous solid and/or liquid material and that are in a deteriorated condition, and the dismantling and removal of those tanks.

The second phase of the project, which will commence shortly before or after the end of Phase I, will consist of the removal and proper disposal of remaining waste materials from tanks, containers, piles, and elsewhere at the facility, and the dismantling and removal of those tanks and other equipment.

Next, DEQ contractors and employees will stabilize any exposed ash material, remove the incinerator and any other remaining equipment, and do a complete assessment of soils and groundwater at the site to identify the nature and extent of any residual contamination that may

remain after removal of wastes and equipment.

Lastly, remedial actions may be necessary to address any soil or groundwater contamination that exceeds applicable standards under the Louisiana Risk Evaluation/Corrective Action Program. Whether any remedial action is necessary, and the exact nature of such actions, cannot be determined until the completion of the assessment mentioned above, and a full evaluation of available remedial alternatives.

ACTION:

See Above.

RESPONSIVENESS SUMMARY

**EARTHLOCK TECHNOLOGIES, L.L.C.
(FORMERLY KNOWN AS GTX, INC.)
(THE FORMER MARINE SHALE PROCESSORS FACILITY)**

**AMELIA, ST. MARY PARISH, LOUISIANA
AIR PERMIT (PERMIT NO. 2660-00002-V0)
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HAZARDOUS WASTE PERMIT (PERMIT NO. LAD 981 057 706 HW)
AGENCY INTEREST NUMBER 5414**

ITEM:	3
REFERENCE	General Comment from Public Hearing dated February 5, 2004.
ISSUE:	The waste located at the Recycling Park, Inc. site.
COMMENT:	What will happen with the waste located at the Recycling Park, Inc. site?
LDEQ RESPONSE:	<p>The incinerator ash that is stockpiled at the Recycling Park, Inc. site will be addressed under the terms of a Consent Decree between the DEQ, the United States, Southern Wood Piedmont Company, and Rayonier, Inc., and ordered by the U.S. District Court.</p> <p>DEQ and the U.S. Environmental Protection Agency have evaluated that ash and found that it will present no unacceptable risk to human health and the environment if it is consolidated, sloped properly to prevent erosion, and covered with a clay and topsoil cap. Therefore, Southern Wood Piedmont Company and its parent company, Rayonier, Inc., will implement that remedy under the oversight of DEQ and EPA.</p>
ACTION:	See Above.

RESPONSIVENESS SUMMARY

**EARTHLOCK TECHNOLOGIES, L.L.C.
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AGENCY INTEREST NUMBER 5414**

ITEM:	4
REFERENCE	General Comment from Public Hearing dated February 5, 2004.
ISSUE:	Any requirements for generators to assess and cleanup the site and offsite.
COMMENT:	Are there any requirements for generators to assess and cleanup the site and offsite?
LDEQ RESPONSE:	Under the federal Comprehensive Environmental Response, Compensation, and Liability Act, and the Louisiana Environmental Quality Act, the generators of the hazardous wastes that were sent to Marine Shale for incineration are responsible for assessment and cleanup of that facility and offsite locations at which incinerator ash was deposited. The U.S. Department of Justice, the U.S. EPA, and DEQ will be making demands upon generators for participation in assessment and cleanup.
ACTION:	See Above.

RESPONSIVENESS SUMMARY

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AGENCY INTEREST NUMBER 5414**

ITEM:	5
REFERENCE	General Comment from Public Hearing dated February 5, 2004.
ISSUE:	Investigation and cleanup of other offsite locations where waste may be located.
COMMENT:	Will there be an investigation and cleanup of other offsite locations where waste may be located?
LDEQ RESPONSE:	<p>Will there be an investigation and cleanup of other offsite locations where waste may be located?</p> <p>DEQ is currently working with owners of two off-site locations at which Marine Shale ash is located, to determine the appropriate course of action regarding that material. DEQ has no near-term plans to investigate any other sites, but if the agency obtains any information that Marine Shale ash is present and presenting a potential risk to human health or the environment, DEQ will promptly investigate and take all appropriate action. In any event, the termination of the Earthlock permit will not affect such decisions in any way.</p>
ACTION:	See Above.